



## **MEETING OF THE COURT REPORTERS BOARD**

**Friday, October 17, 2008, 2:00 pm**

**2535 Capitol Oaks Drive, Third Floor Conference Room**

**Sacramento, CA 95833**

**877-327-5272**

### **AGENDA**

**Board Members: Gregory Finch, Chair; Toni O'Neill, Vice Chair; Lori Gualco; Elizabeth Lasensky**

#### **OPEN SESSION**

**CALL TO ORDER – Gregory Finch, Chair**

**ROLL CALL AND ESTABLISHMENT OF A QUORUM**

#### **CLOSED SESSION**

Pursuant to Government Code, section 11126(a), the following Closed Session Items will be discussed:

1. INTERVIEWS FOR EXECUTIVE OFFICER POSITION  
Discussion and possible action

2. APPOINTMENT OF AN EXECUTIVE OFFICER  
Discussion and possible action

#### **RETURN TO OPEN SESSION – Approximately 4 pm**

3. DISCUSSION OF CLOSED SESSION ITEM

4. MINUTES OF JUNE 13, 2008 BOARD MEETING  
Review and approve

5. REPORT OF APPEARANCES: Board Members and Staff  
Status report

6. EO REPORT  
Newsletter status report, budget report, computer-based testing update

7. 2007-09 LEGISLATION UPDATE: AB2189 (Karnette) – Continuing Education; SB863 Sunset Bill; AB1569 (Mendoza) Rough Draft Transcript

(continued on back)

# MEETING OF THE COURT REPORTERS BOARD

October 17, 2008

8. 2008-2010 LEGISLATION DISCUSSION – Firm Oversight, Mandatory Continuing Education  
Discussion and possible action
9. PUBLIC COMMENT
10. FUTURE MEETINGS  
Discussion and possible action
11. ADJOURNMENT

All times are approximate and subject to change. The meeting may be canceled without notice. For further information or verification of the meeting, call Connie Conkle toll free at 877-3ASK-CRB (327-5272), write to Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833, or access the Board's web site at [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov). The open session portion of board meetings is open to the public and is held in barrier-free facilities in accordance with the Americans with Disabilities Act. If any member of the public wants to receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting. Otherwise, the documents will be available at the meeting. The public can participate in the discussion of any item on this agenda. Before speaking to the Board, please give your name and the name of the organization you represent. Please respect time limits. Be aware, the Board CANNOT discuss any item not listed on this agenda except as provided under Public Comment. Action may be taken on any item listed on this agenda. Items on the agenda may be taken out of order.



**Court Reporters Board of California**  
 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833  
 TOLL FREE PHONE: 877-3ASKCRB (327-5272) • FAX: (916) 263-3664  
[www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)



**DRAFT**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**COURT REPORTERS BOARD OF CALIFORNIA**  
**MINUTES OF OPEN SESSION**  
**JUNE 13, 2008**

CALL TO ORDER

Ms. Toni O'Neill, Chair, called the meeting to order at 4:00 p.m. at the Department of Consumer Affairs, El Dorado Room, 1625 North Market Boulevard, Sacramento, California.

ROLL CALL

Board Members Present:

Toni O'Neill, CSR, Chair  
 Greg Finch, Public Member, Vice Chair  
 Lori Gualco, Public Member  
 Elizabeth Lasensky, Public Member

Staff Members Present:

David E. Brown, Executive Officer  
 Dianne Dobbs, Staff Legal Counsel  
 Yvonne Fenner, Staff Services Analyst  
 Connie Conkle, Enforcement Analyst  
 Kim Kale, Exam Analyst  
 Julia Miranda-Bursell, TRF Analyst  
 Bill Schmidt, Retired Annuitant (School Compliance)

A quorum was established and the meeting continued.

MINUTES OF THE MAY 8, 2008 MEETING

Ms. O'Neill asked for corrections, additions and/or deletions to the May 8, 2008 meeting minutes.

Mr. Finch moved to approve the minutes as presented. Ms. Lasensky seconded; MOTION CARRIED.

BOARD MEMBER AND STAFF APPEARANCES

Ms. O'Neill, Ms. Gualco, Ms. Lasensky and Mr. Finch all noted meetings with Mr. Brown either in person or via telephone.

Ms. Fenner reported participating as a panelist at the Northern California Court Reporters Association meeting where the seminar attendees really seemed to be focused on wanting

information regarding Backup Audio Media (BAM). She noted that Connie Conkle, enforcement officer, also attended.

#### EXECUTIVE OFFICER REPORT

Mr. Brown started off with an update on the 2008 fall newsletter, which we are hopeful will go to mail distribution by September. He noted the approval and release of the state budget will determine the actual release date of the newsletter, but affirmed work is progressing on the articles in the meantime.

In terms of the budget report, Mr. Brown noted that the report provided is one that DCA actually prepared, and they show that we're still well ahead of the budget and will actually have a slight surplus.

Mr. Brown reported that several meetings have been held with impacted parties regarding the upcoming computer-based testing. He drew the Board members' attention to the informational document that was distributed to them before the start of the meeting, adding that it has been posted to our website. It outlines the basic process. We are still on track for a July 1<sup>st</sup> implementation. He noted PSI, the testing vendor, is holding a beta test or mock exam on Tuesday, June 17<sup>th</sup>, 2008, with staff and local reps from schools and associations.

The status of the new occupational analysis was discussed, noting that the update will begin after July 1<sup>st</sup>. Mr. Brown reminded the Board that the occupational analysis was one of the Budget Change Proposals (BCPs) for which the Board received approval for the 2008-09 budget. The reason for the occupational analysis is under testing guidelines it is supposed to be updated every five to seven years. The last occupational analysis was completed in March of 2003 and revised in December of 2003. The process begins with the Office of Exam Resources (OER), the testing experts, conducting a telephone survey with up to 50 licensees to get gather information from them in terms of what's current in the industry, what's happening as far as the job and skills needed to perform the job. Since the interview is approximately 90 minutes, it's usually pre-scheduled. Mr. Brown noted he would be quickly asking the associations to either send names of interested individuals for the OER to contact or have their members contact us if they are interested to give us their contact information. With the information gathered through that initial process, the OER will then go on to develop a questionnaire which will be mailed out to a representative sampling of licensees by county. OER compiles the resulting information and then team meetings including subject matter experts begin where the decisions are made regarding what the current knowledge, skills and abilities are that are required of a court reporter. Overall the process takes at least nine months to a year to accomplish. Mr. Brown assured the Board that this BCP included all travel expenses for the subject matter experts to travel to Sacramento where the meetings will be held.

#### CCR 2450 AND 2451 – FEES; ADOPTION OF FINAL LANGUAGE

Ms. Fenner reported that she did attend the public hearing on June 3, 2008, with Julia Miranda-Bursell. The only attendee was a representative from the DCA's legislative unit. She noted there had been no public comment, either at the hearing or in written form.

Ms. O'Neill noted the proposed language is included in the Board packet. She asked if there were any changes the Board wanted to make at this point. In response to a question from Mr.

Finch, Mr. Brown clarified that the regs are being changed to match what we currently charge as opposed to what we're allowed to charge.

Mr. Brown explained that in order to have the reg go into effect, we need a motion from the Board. Ms. O'Neill read the proposed language for the motion as follows:

Direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law. Authorize staff to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopting the proposed regulations. Final approval is granted to the California Code of Regulations, title 16, division 24, article 6, sections 2450, as "filed."

The motion adopted by Ms. Lasensky. Ms. Gualco seconded the motion. MOTION CARRIED.

#### USE OF TYPEWRITERS AT CSR EXAM; DISCUSSION OF JOB RELATEDNESS

Ms. O'Neill directed the Board Members to tab 5 for the background material for this item. It is being proposed that beginning with the October 2008 exam, no typewriters will be allowed to be used at the exam. Ms. Lasensky expressed being stunned that there were even typewriters being used in this day and age anywhere. Mr. Brown noted that the equipment to start up reporting is relatively expensive and with a somewhat low pass rate, many students wait until the last minute to purchase their equipment. He noted that while no one is really using typewriters to produce transcripts in the field, they're still used at the exam because they are inexpensive to rent. Ms. Fenner further noted that the printer a reporter would buy for their home office would be as expensive as he/she could afford as it would be utilized for printing large volumes and those are typically quite large, whereas the small portable printers would be of limited practical use outside of the exam. A discussion ensued regarding options available to the candidates, including renting a printer versus renting a typewriter. The possibility of having candidates turn the test in on a CD or having staff use a "master" flash drive to gather the completed exams were further options discussed. They were rejected for security reasons as well as it was noted that actually producing the physical transcript is part of the entry-level skills being tested.

Mr. Finch moved to disallow the use of typewriters at the CSR exam in order to conform to the occupational analysis, beginning with the October 2008 exam. Ms. Gualco seconded the motion. MOTION CARRIED.

#### LEGISLATIVE UPDATE

##### AB1869

Ms. Fenner reported AB1869 (Anderson), the bill eliminating several state boards and commissions, is still dead.

##### AB1925

This bill, authored by Eng, allows the Franchise Tax Board (FTB) to suspend the license of those in default on the taxes. It was last amended on May 23, 2008, including a provision whereby the FTB would mail a preliminary notice of suspension to the licensee only, as

opposed to the agency issuing the license as well. The bill will be going to hearing on June 16, 2008.

#### AB2189

This is the CRB's continuing education bill, authored by Karnette. It is scheduled to go to hearing on June 23<sup>rd</sup>, 2008. There was an earlier hearing date scheduled, but when notice was received of an unfavorable analysis, the author's office requested a delayed hearing date in order to give more time to educate the committee members.

#### SB797 (Ridley-Thomas)

This bill extends the sunset date of several boards, including the CRB's EO position. It has passed the Senate and is enrolled. It's at the Governor's desk for signature. It's an urgent bill so it will become effective upon signing.

#### AB2884 (Portantino)

Ms. Fenner reported that through an oversight on her part, AB 2884, a bill we have been tracking, did not make the agenda and therefore we would not be able to report on it, but noted there were probably people in the audience who could comment on it during the public comment period.

Ms. O'Neill asked what was happening on the education of the committee members on AB2189. Ms. Fenner reported that Ed Howard and Jim Cassie are contacting committee members.

Ms. Bunch VanderPol noted that on AB2884, a bill sponsored by CCRA having to do with restricting the use of instant visual display being cited in court in lieu of a final transcript, this is the first bill that CCRA has carried that the Judicial Council has been in a position of support. It is through the Senate at this point. It has to go back to the Assembly for approval of the amendments. She noted that the amendment had to do with putting a seven-year sunset date on the legislation, a new requirement on any legislation that has to do with technology.

Ms. Bunch VanderPol also addressed AB1925 (Eng), noting that it's been amended to the point where it's acceptable. She added that the current language allows for a hardship hearing, which was not contemplated in the initial language.

Ms. Stephanie Grossman reported that she and Ms. Antonia Pulone had been meeting earlier in the day with some of the staff of the Senate BP&E Committee members on AB2189. She said in talking to the Democratic members who have studied the bill, they are generally in support of it. She expressed the opinion that we might get it through the Senate, but may have trouble getting the Governor to sign it. She mentioned that if there are people who can lobby the Republican side, that that would be very helpful.

#### ADJOURNED TO CLOSED SESSION

Ms. O'Neill adjourned the meeting to closed session at 4:35 p.m.

#### RECONVENE

Ms. O'Neill reconvened the meeting to open session at 5:00 p.m.

## EMPLOYMENT OF EXECUTIVE OFFICER

Ms. O'Neill reported that during the closed session Mr. Brown had announced his retirement as executive officer of the CRB effective July 30<sup>th</sup>, 2008. She expressed sadness at the announcement. She reported the decision was reached during closed session to appoint Mr. Brown as a retired annuitant to serve as the Assistant Executive Director effective July 31, 2008.

## RECRUITMENT FOR NEW EXECUTIVE OFFICER

Ms. O'Neill reported that the Board agreed to set up a subcommittee consisting of Mr. Finch and herself to handle the interview process. The plan is to begin taking applications no later than July 1<sup>st</sup>, 2008, and take applications initially for 30 days. If sufficient applications are received, an interview pool will be set up. The timeline is somewhat fluid, depending upon the number of applications received. The goal is to fill the permanent EO position by October 1<sup>st</sup>, 2008.

Congratulations were extended to Mr. Brown by envious members of the Board and public.

## ANNUAL ELECTION OF OFFICERS

Ms. O'Neill opened nominations for the position of chair. Ms. Gualco nominated Mr. Finch, and Ms. Lasensky seconded the nomination. MOTION CARRIED and congratulations were offered to Mr. Finch.

In response to a question about the status of his appointment, Mr. Finch informed everyone that he has been interviewed regarding his reappointment and that he has been advised that the process could take another 30 days.

Ms. O'Neill opened nominations for the position of vice chair. Ms. Lasensky nominated Ms. Gualco, who declined due to heavy workload with a new job and previous commitments. Ms. Gualco nominated Ms. Lasensky, who expressed hesitation due to the newness of her appointment. Mr. Finch nominated Ms. O'Neill. Ms. Lasensky seconded the nomination. MOTION CARRIED.

Ms. Bunch VanderPol asked if anyone had a status update on the Governor's appointment of the vacant Board position. The consensus was no one had heard anything at all.

## PUBLIC COMMENT

Ms. Bunch VanderPol gave a status update on the Legislative Analyst's Office proposal to expand the use of electronic recording (ER). The proposal did not appear in the Assembly budget proposal. She expressed thanks to the associations, lobbyists and unions for effecting that outcome. The Senate budget proposal currently is that ER should be put in family law, law and motion, and selected other courts. She noted that it would result in 600 positions being eliminated statewide. She reported the Senate committee agreed to hold over that particular issue in order to further talk the issue through.

Ms. Jacquelyn Yard added that the conference committee met very quickly after it was appointed and pointed out how quickly the associations and the unions were on top of the situation. She added some caveats about the 600-position figure.

Ms. Pulone asked if the proposal was an all or nothing proposal, such that all the positions would be eliminated en mass or if they were to be negotiated department by department, county by county, essentially asking if some of the positions could be rescued.

Ms. Bunch VanderPol noted that CCRA had hired a consultant to investigate the cost savings. The report concluded that the courts would not save any money through the implementation of ER, but it would actually cost the litigant more. She said from CCRA's perspective, it's all or nothing.

Ms. Yard reported that the Senate has not tagged the ER proposal as a cost-savings measure, but rather an access to justice issue. The AOC sees it as a flexibility issue. They contend that jobs won't be lost, but they will simply move reporters into the criminal courts to help clear up the backlog, leaving ER available to remaining courts.

Ms. Pulone asked if they abandoned the ER proposal, would that leave the possibility that they would go after the ownership of the transcripts. Ms. Yard stated that had not been discussed under the current proposal.

Ms. Grossman noted that one of the themes they heard in their rounds at the capitol earlier in the day was what a good field court reporting is for women and the importance of jobs for women was emphasized. She said it came up in a concern that requiring continuing education might cut out some jobs for women. She offered that as a possible strategic point.

#### FUTURE MEETING DATES

Ms. O'Neill reported that October 17 would be the next meeting date, time to be determined. Mr. Brown confirmed that October 17<sup>th</sup> is the date for the Sacramento exam. The location has yet to be finalized, but all contracts are for that date.

#### ADJOURNMENT

Ms. O'Neill adjourned the meeting at 5:16 p.m.



COURT REPORTERS FUND - 0771							
Budget Report							
Expenditure Projection							
As of July 31, 2008							
Current Fiscal Month: 1		Months Remaining: 11					
OBJECT DESCRIPTION	FY 2007/08		FY 2008/09				
	ACTUAL EXPENDITURES (MONTH 13)	EXPENDITURES AS OF 6/31/2007	BUDGET ALLOTMENT	EXPENDITURES AS OF 6/31/2008	PERCENT OF BUDGET SPENT	PROJECTIONS TO YEAR END	UNCUMBERED BALANCE
<b>PERSONAL SERVICES:</b>							
<b>Salaries and Wages</b>							
Civil Service-Perm	164,797	0	175,991	0	0.0%	165,000	10,991
Temp Help (907)	29,015	0	45,000	0	0.0%	45,000	0
Allocated Proctor Cost	210	0	0	0	0.0%	200	(200)
Statutory-Exempt (EO)	81,732	0	81,731	0	0.0%	81,732	(1)
Board/Commission (910,920)	9,600	0	7,310	0	0.0%	9,600	(2,290)
Overtime (909)	6,589	0	500	0	0.0%	6,600	(6,100)
Staff Benefits	91,094	0	98,403	0	0.0%	91,000	7,403
Salary Savings	0	0	(2,551)	0	0.0%	0	(2,551)
<b>TOTAL, PERSONAL SVC</b>	<b>383,037</b>	<b>0</b>	<b>406,384</b>	<b>0</b>	<b>0.0%</b>	<b>399,132</b>	<b>7,252</b>
<b>OPERATING EXPENSE AND EQUIPMENT:</b>							
Fingerprint Reports	510	0	1,000	0	0.0%	500	500
General Expense	11,441	0	10,619	0	0.0%	12,000	(1,381)
Printing	11,698	0	12,369	0	0.0%	14,000	(1,631)
Communication	4,020	0	4,183	0	0.0%	4,000	183
Postage	11,004	0	10,720	0	0.0%	12,000	(1,280)
Travel In State	31,126	0	35,003	0	0.0%	35,000	3
Training	744	0	3,263	0	0.0%	1,000	2,263
Facilities Operations	40,375	0	27,793	0	0.0%	40,925	(13,132)
C/P Services - Internal	0	0	32,456	0	0.0%	54,848	(22,392)
C/P Services - External	0	0	32,995	0	0.0%	23,600	9,395
Communications Committee	0	0	6,500	0	0.0%	6,500	0
<b>Departmental Services:</b>							
Interagency	23,880	0	80	0	0.0%	80	0
All Other DCA Pro Rata	102,544	0	115,561	0	0.0%	115,561	0
Consolidated Data Center (Teale)	125	0	3,156	0	0.0%	250	2,906
DP Maintenance & Supplies	2,192	0	1,526	0	0.0%	1,526	0
Central (State) Adm Pro Rata	31,818	0	38,581	0	0.0%	38,581	0
<b>Examinations:</b>							
Exam Supplies/Materials	0	0	0	0	0.0%	0	0
Exam Rent - Non State	8,461	0	7,426	0	0.0%	41,686	(34,260)
C/P SVS - Expert Exa	0	0	24,938	0	0.0%	23,844	1,094
C/P SVS - Ext Sub MA	38,976	0	15,000	0	0.0%	15,000	0
Ext-Subject Matter E	0	0	3,100	0	0.0%	3,100	0
Other Items of Expense	0	0	0	0	0.0%	0	0
<b>Enforcement:</b>							
School Oversight	0	0	5,000	0	0.0%	2,500	2,500
Attorney General	39,727	0	55,620	0	0.0%	45,686	9,934
Office Admin. Hearing	10,324	0	15,057	0	0.0%	11,000	4,057
Evidence / Witness Fees	2,288	0	5,000	0	0.0%	2,300	2,700
Court Reporters	1,097	0	4,000	0	0.0%	1,200	2,800
DOI - Investigation	79,643	0	23,270	0	0.0%	23,270	0
Major Equipment	0	0	11,000	0	0.0%	11,000	0
Minor Equipment	926	0	2,400	0	0.0%	2,400	0
<b>TOTALS, OE&amp;E:</b>	<b>452,919</b>	<b>0</b>	<b>507,616</b>	<b>0</b>	<b>0.0%</b>	<b>543,357</b>	<b>(35,741)</b>
<b>TOTAL EXPENSE:</b>	<b>835,956</b>	<b>0</b>	<b>914,000</b>	<b>0</b>	<b>0.0%</b>	<b>942,489</b>	<b>(28,489)</b>
<b>REIMBURSEMENTS:</b>							
Fingerprint Reports	(17,000)	0	(1,000)	0	0.0%	805	(195)
External/Private/Grant	(1,000)	0	(1,000)	0	0.0%	2,860	1,860
Unsched. Investigative	0	0	0	0	0.0%	1,600	1,600
<b>TOTAL REIMBURSEMENTS:</b>	<b>(18,000)</b>	<b>0</b>	<b>(2,000)</b>	<b>0</b>	<b>0.0%</b>	<b>5,265</b>	<b>3,265</b>
<b>NET APPROPRIATION:</b>	<b>817,956</b>	<b>0</b>	<b>912,000</b>	<b>0</b>	<b>0.0%</b>	<b>947,754</b>	<b>(25,224)</b>
<b>SURPLUS/(DEFICIT):</b>						<b>-2.77%</b>	